

Application No.: 09/980,266

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the office action, the Examiner rejected claims under 35 U.S.C. §112 as allegedly indefinite because the terms "spacer" and "protein binding molecule" are allegedly vague. While Applicants disagree for reasons set forth in the previous amendment, the independent claims have been amended to include the subject matter recited in claims 41, 44 and 45.

Claims 39-57 were rejected as allegedly anticipated by Trouet. Applicants respectfully submit that the claims pending prior to this amendment are not anticipated, and in any event, the claims as presently amended are not anticipated by Trouet because Trouet only discloses use of peptide linkers in its daunorubicin molecule when "spacers" are used and, in any event, the active agent is ultimately bound to albumin as a carrier. The specific structure disclosed by Trouet does not anticipate or render obvious the presently pending claims.

Applicants expressly reserve the right to prosecute any and all presently unclaimed subject matter in related continuation applications.

In view of the foregoing, allowance is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-0624, under Order No. NY-HUBR 1198-US from which the undersigned is authorized to draw.

Dated: August 18, 2004

Respectfully submitted,

By


James R. Crawford

Registration No.: 39,155

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, New York 10103

(212) 318-3000

(212) 318-3400 (Fax)

Attorney for Applicant